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Robert T. Hrubiec, Ph.D, J.D.
Cephalon, Inc.
41 Moores Road
P.O. Box 4011
Frazer, PA 19300

In Re: Patent Term Extension
Application for
U.S. Patent No. 4,927,855

Dear Dr. Hrubiec :

An order granting interim extension under 35 U.S.C. § 156(d)(5) is enclosed extending the term of U.S. Patent No. 4,927,855 for a period of 1 year. Pursuant to 35 U.S.C. § 156(d)(5)(B), a notice regarding the grant of an interim extension under 35 U.S.C. § 156(d)(5) was published in the Federal Register of May 24, 2007 (72 Fed. Reg. 29137), a copy of which is enclosed for your records.

Inquiries regarding this communication should be directed to the undersigned by telephone at (571) 272-7755, or by e-mail at mary.till@uspto.gov.



Mary C. Till
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Office of Regulatory Policy
HFD-7
5600 Fishers Lane (Rockwall II Rm 1101)
Rockville, MD 20857

RE: NUVIGIL™ (armodafinil)
FDA Docket No.:

Attention: Beverly Friedman

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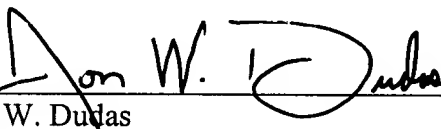
In re Cephalon Inc. :
Request for Interim Patent Term Extension : **ORDER GRANTING**
U.S. Patent No. 4,927,855 : **INTERIM EXTENSION**

On May 7, 2007, Cephalon, Inc., an agent of Laboratoire L. Lafon, the owner of record in the United States Patent and Trademark Office of U.S. Patent No. 4,927,855, filed an application under 35 U.S.C. § 156(d)(5) for an interim extension of U.S. Patent No. 4,927,855. The patent claims the active ingredient armodafinil in the human drug product NUVIGIL™ and a method of use of said product. The application indicates that a New Drug Application for the human drug product NUVIGIL™ (armodafinil) has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. § 156, and that the patent should be extended for one year as required by 35 U.S.C. § 156(d)(5)(B). Because it is apparent that the regulatory review period will continue beyond the original expiration date of the patent (May 22, 2007), interim extension of the patent term under 35 U.S.C. § 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. § 156(d)(5) of the term of U.S. Patent No. 4,927,855, is granted for a period of one year from the original expiration date of the patent, i.e., until May 22, 2008.

May 18, 2007
Date


Jon W. Dudas
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office